

## Message Text

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ACTION DHA-02

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 SSO-00 NSCE-00

INRE-00 VO-03 CIAE-00 FBIE-00 INSE-00 NSAE-00 INR-07

ORM-02 NSC-05 SS-15 H-02 SCA-01 DODE-00 L-03 PRS-01

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O R 300945Z AUG 76 CORRECTED COPY FOR MCN  
FM AMEMBASSY KUALA LUMPUR  
TO SECSTATE WASHDC NIACT IMMEDIATE 4393H  
AMEMBASSY BANGKOK IMMEDIATE  
USMISSION GENEVA IMMEDIATE  
INFO AMEMBASSY BONN  
AMEMBASSY CANBERRA  
AMCONSUL HONG KONG  
AMEMBASSY LONDON  
AMEMBASSY MANILA  
AMEMBASSY JAKARTA  
AMEMBASSY PARIS  
AMEMBASSY RANGOON  
AMEMBASSY ROME  
AMEMBASSY OTTAWA  
AMEMBASSY SINGAPORE  
AMEMBASSY TAIPEI  
AMEMBASSY TOKYO  
AMEMBASSY VIENNA  
AMEMBASSY WELLINGTON  
USMISSION UN NEW YORK

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E.O. 11652: N/A

TAGS: SREF MY

SUBJ: INDOCHINESE REFUGEE BOAT CASES: "CHOU LONG" AND BOAT OF 93

REF: (A) JAKARTA 11302 (NOTAL), (B) KUALA LUMPUR 4930 (NOTAL),  
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(C) GENEVA 6873 (NOTAL), (D) STATE 212406 (NOTAL), (E) STATE

213441 (NOTAL)

1. AS OF AFTERNOON AUGUST 30 SITUATION REGARDING 93 RPT 93 REFUGEES WHO ARRIVED VIA BOAT NO. 0072 AT KUALA TRENGGANU BUT WHO NOW ARE THREATENED BY EXPULSION ORDER FROM MALAYSIAN NATIONAL SECURITY COUNCIL (NSC) IS AS FOLLOWS. UNHCR REGIONAL REP SAMPATKUMAR WAS BRIEFED BY HIS ASSISTANT, MISS FRASER, YESTERDAY A.M. (AUG 29) WHILE EN ROUTE BANGKOK WHERE HE WILL ATTEND CONFERENCE OF UNHCR REPS IN SEA REGION. MISS FRASER BRIEFED HIM ON SINKING OF "CHOU LONG" AND CRISIS RE THE 93 WHO WERE TO BE TAKEN BACK TO SEA TODAY (AUG 30).

2. MISS FRASER TELEPHONED EMBASSY THIS MORNING TO STATE THAT SHE HAD TELEPHONED MFA OFFICER HANDLING REFUGEE MATTERS (SHAMSUDDIN) TO INQUIRE WHETHER DIRECTIVE ORDERING EXPULSION OF THE 93 WAS GOM'S RESPONSE TO UNHCR'S APPEAL. AT THIS, SHAMSUDDIN SAID HE AGAIN WOULD SEEK A STAY OF EXECUTION OF THE EXPULSION ORDERS. SHORTLY THEREAFTER HE CALLED THE EMBASSY AND WAS TOLD ON THE BASIS OF PRELIMINARY REPORTS FROM OUR OFFICER IN KEMAMAM THAT ABOUT 50 OR SO OF THE REFUGEES HAD CLOSE TIES WITH THE U.S., AND THAT SOME OTHERS HAD TIES TO THIRD COUNTRIES. SHAMSUDDIN SAID THAT THIS INFORMATION MIGHT STRENGTHEN HIS ARGUMENTS FOR A REVIEW OF THE DECISION TO EXPEL THIS GROUP.

3. SHORTLY AFTER NOON MISS FRASER AGAIN TELEPHONED TO SAY THAT SHAMSUDDIN INDICATED FORCED DEPARTURE OF VESSEL MIGHT BE DELAYED, APPARENTLY TO GAIN TIME TO RECEIVE WRITTEN GUARANTEES FROM U.S. OR OTHERS TO TAKE SOME OF THE REFUGEES (WHICH HE KNOWS WE CANNOT DO\*). MISS FRASER ASSUMES ONLY THOSE REFUGEES FOR WHOM "GUARANTEES" RECEIVED WOULD BE ALLOWED TO STAY IF BOAT FORCES TO LEAVE. HER OPTIMISM STRENGTHENED BY FACT FRENCH EMBASSY CONSUL NOW PLANS TRAVEL TO KEMAMAN THURSDAY, SEP T2, TO INTERVIEW GROUP.

4. RE THE "CHOU LONG," MISS FRASER SAID THAT SHE UNDERSTANDS THAT THE AUSTRALIAN HIGH COMMISSION IN SINGAPORE IS RECOMMENDING THAT AUSTRALIA ACCEPT ALL 24 OF RESETTLEMENT. (CANBERRA NOW HAS AGREED ACCEPT THEM LIMITED OFFICIAL USE

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SUBJECT TO MEDICAL CLEARANCE), SHE HAS JUST REPORTED).

5. EMBOFF NOW HAS RETURNED FROM KEMAMAN. A PRELIMINARY REVIEW OF THE INTERVIEWS INDICATES THAT 63 ARE PROBABLY ELIGIBLE FOR PAROLE UNDER EPP, MOST AS CATEGORY I BOAT CASES (PRIORITY 3 UNDER REVISED GUIDELINES PER STATE 178281). FOURTEEN MAY BE ELIGIBLE AS HARDSHIP CASES. SIXTEEN SEEM TO BE INELIGIBLE. IN ADDITION OF THE INELIGIBLE REFUGEES, TWO APPEAR TO HAVE

TIES WITH PERSONS IN CANADA, THREE WITH PERSONS IN HONG KONG, AND FOUR WITH PERSONS IN TAIWAN; SIX OF THE REFUGEES WHO APPEAR TO BE ELIGIBLE FOR THE EPP ALSO MAY HAVE TIES WITH PERSONS IN TAIWAN. THE EMBASSY HAS PASSED TO THE MFA A LIST OF THE 93 REFUGEES DIVIDED INTO THE CATEGORIES LISTED ABOVE, NOTING THAT FINAL DECISIONS RE ELIGIBILITY UNDER OUR PROGRAM WILL BE MADE IN WASHINGTON. WE TELEPHONED SHAMSUDDIN TO INFORM HIM LIST WOULD REACH HIM TODAY AND HE SAID THAT GROUP WOULD "PROBABLY" NOT RPT NOT BE FORCED TO LEAVE FOR SEVERAL DAYS, NOTING HE WOULD BE GRATIFIED TO RECEIVE LIST. HE ADDED THAT IT WOULD BE DIFFICULT TO CONTACT ANYONE TOMORROW DUE TO NATIONAL DAY HOLIDAY (AUG 31).

6. COMMENT. OUR IMPRESSION IS THAT OUR SENDING OFFICER TO CONDUCT INTERVIEWS HAS HELPED EASE THE IMMEDIACY OF THE CRISIS AND BOUGHT A FEW DAYS BREATHING SPACE. THIS MAY BE A FAULTY IMPRESSION SINCE EVENTS MAY TURN SUDDENLY. KEY PRINCIPLE OF FIRST ASYLUM NOT RPT NOT BEEN ESTABLISHED, AND WE CONSIDER IT IMPERATIVE FOR UNHCR TO PRESS MALAYSIANS (AND OTHER REGIONAL GOVERNMENTS) FOR POSITIVE RESPONSE TO PORT OF FIRST ASYLUM APPEAL.  
UNDERHILL

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## Message Attributes

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**Channel Indicators:** n/a  
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